

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 491 - Controlled Substance, Salvia Divinorum (LSB 1248 HV)
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Fiscal Note Version - New

Description

House File 491 adds Salvia Divinorum and Salvinorin A to the list of Schedule I controlled substances and creates a Class C felony for sale and manufacture and a serious misdemeanor for possession.

Background

- A Schedule I controlled substance is considered to have a high potential for abuse and no medical purpose in treatment in the United States.
- There is no federal prohibition of Salvia Divinorum.
- Salvia Divinorum is a perennial herb in the mint family native to certain areas of the Sierra Mazateca region of Oaxaca, Mexico, which can be chewed or smoked to induce illusions and hallucinations.
- In the first six months of FY 2007, there have been three prison admissions for hallucinogenic drugs (two for Ecstasy and one for LSD).

Assumptions

- The average State costs for one Class C felony conviction ranges from \$4,400 (court costs, probation, and indigent defense) to \$20,400 (court costs, jury trial, indigent defense, prison, and parole). The maximum costs will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community.
- The average length of stay on probation for a Class C felon is 31 months at a cost of \$3.15 per day.
- The average length of stay in prison for a Class C felon convicted of a non-person crime is 20 months at a cost of \$14.80 per day. These offenders are usually then placed on parole for approximately 20 months at a cost of \$3.15 per day.
- The average State costs for one aggravated misdemeanor conviction ranges from \$2,600 (court costs, probation, and indigent defense) to \$6,300 (court costs, jury trial, indigent defense, prison, and parole). The maximum costs will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community.
- The average length of stay on probation for a person convicted of an aggravated misdemeanor is 26 months at a cost of \$3.15 per day.
- The average length of stay in prison for a person convicted of a non-person aggravated misdemeanor crime is seven months at a cost of \$14.80 per day. These offenders are usually then placed on parole for approximately six months at a cost of \$3.15 per day.

Correctional Impact

Due to the small number of people sentenced to prison for hallucinogens in Iowa, the correctional impact is anticipated to be minimal.

Fiscal Impact

The fiscal impact cannot be determined at this time, but is anticipated to be minimal.

Sources

Department of Corrections

Judicial Branch

Department of Human Rights, Criminal and Juvenile Justice Planning Division

State Public Defender

/s/ Holly M. Lyons

February 26, 2007

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
